

FILED

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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,) SUPERSEDING INDICTMENT
Plaintiff,)
v.) JUDGE PATRICIA A. GAUGHAN
KENNETH EMMANUEL SMITH,) CASE NO. 1:23-CR-471
Defendant.) Title 18, United States Code,
) Sections 922(a)(1)(A), 922(g)(1),
) 922(o), 924(a)(1)(D), 924(a)(2),
) and 924(a)(8)

COUNT 1

(Engaging in the Business of Importing, Manufacturing, or Dealing in Firearms without a Federal Firearms License, 18 U.S.C. §§ 922(a)(1)(A) and 924(a)(1)(D))

The Grand Jury charges:

1. On or about July 26, 2023, through August 22, 2023, in the Northern District of Ohio, Eastern Division, Defendant KENNETH EMMANUEL SMITH, not being a licensed importer, licensed manufacturer, or licensed dealer, did willfully engage in the business of importing, manufacturing, or dealing in firearms, those being:

<u>DATE</u>	<u>FIREARM</u>	<u>PRICE</u>
July 26, 2023	Taurus, Model PT111 G2, 9mm caliber pistol, serial number: TJU19111	\$500
July 27, 2023	Polymer80, Model PF940C Combat 19, 9mm caliber pistol, without a serial number.	\$1,300
July 27, 2023	Taurus, Model G3C, 9mm caliber pistol, serial number: ADE315902	\$800
August 2, 2023	Smith & Wesson, Model SD9VE, 9mm caliber pistol, serial number: FBH7461	\$1,500
August 2, 2023	Walther, Model PDP, 9mm caliber pistol, serial number: FDN5236	
August 3, 2023	Romarm/Cugir, Model Micro Draco, .762 caliber pistol, serial number PMD-3824	\$2,200

DATE	FIREARM	PRICE
August 7, 2023	Smith & Wesson, Model: SD9VE, 9mm caliber pistol, serial number FXE1867	\$3,000
August 7, 2023	Glock, Model: 29GEN4, 10mm caliber pistol, serial number BNNU057	
August 7, 2023	Glock, Model: 43, 9mm caliber pistol, serial number ADKR142	
August 7, 2023	Walther, Model: P22, .22 caliber pistol, serial number WA383204	
August 7, 2023	Anderson Manufacturing, Model: AM-15, 300 caliber AR style pistol, serial number 21144880	\$2,300
August 8, 2023	Polymer80 Inc., P80 Tactical, Model PF940V2, 9mm caliber pistol, without a serial number, with "switch" machinegun conversion device	\$1,400
August 14, 2023	Smith and Wesson, Model SWV40VE, .40 caliber pistol, serial number DWM5030	\$3,000
August 14, 2023	80 Percent Arms, Model GST-9, 9 mm caliber pistol, without a serial number	
August 15, 2023	Aero Precision LLC, Model X15, multi-caliber AR Style pistol, serial number X291490	
August 15, 2023	Taurus, Model G2c, 9mm caliber pistol, serial number 1C118757	
August 15, 2023	Taurus, Model G2c, 9mm caliber pistol, serial number ADM021933	\$4,900
August 15, 2023	Springfield Armory (HS Produkt), Model XDM Elite, 9mm caliber pistol, serial number AT238536	
August 16, 2023	Glock, Model 19Gen5, 9mm caliber pistol, serial number BPXH246	
August 16, 2023	Sig Sauer, Model P320, 9mm caliber pistol, serial number 58J381387	
August 16, 2023	Smith & Wesson, Model M&P 9 Shield, 9mm caliber pistol, serial number JFS0790	\$3,700
August 17, 2023	Glock, Model 43X, 9mm caliber pistol, serial number BSAN126	
August 17, 2023	Glock, Model 19, 9mm caliber pistol, serial number BTNP631	
August 17, 2023	MasterPiece Arms, Model MPA30SST, 9mm -pistol, Serial Number: FX23202	
August 18, 2023	Del-Ton Inc., Model DTI-15, 5.56mm caliber AR-style pistol, serial number B86153	\$3,800
August 18, 2023	Taurus, Model G3, 9mm caliber pistol, serial number ACK379045	
August 18, 2023	Kahr Arms, Model CT9, 9mm caliber pistol, serial number BAA8192	

<u>DATE</u>	<u>FIREARM</u>	<u>PRICE</u>
August 21, 2023	Taurus, Model G3c, 9mm caliber pistol, serial number 1KA46169	\$2,600
August 21, 2023	Ruger, Model SR40c, .40 caliber pistol, serial number 345-14911	
August 22, 2023	Springfield Armory (HS Produkt), Model XD-9, 9mm caliber pistol, serial number BY311588	
August 22, 2023	Smith & Wesson, Model M&P9, 9mm caliber pistol, serial number NFJ9221	\$3,600
August 22, 2023	Polymer80 Inc., PF940VZ, 9mm caliber pistol, without a serial number	

all having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Sections 922(a)(1)(A), and 924(a)(1)(D).

COUNT 2

(Felon in Possession of Firearm, 18 U.S.C. §§ 922(g)(1) and 924(a)(8))

The Grand Jury further charges:

2. On or about July 26, 2023, in the Northern District of Ohio, Eastern Division, Defendant KENNETH EMMANUEL SMITH, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, that being: Attempted Felonious Assault, on or about April 4, 2019, in case number CR-18-634540, in Cuyahoga County Court of Common Pleas; and knowingly possessed a firearm, to wit: a Taurus, Model PT111 G2, 9mm caliber pistol, bearing serial number: TJU19111, said firearm having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

COUNT 3

(Felon in Possession of Firearm, 18 U.S.C. §§ 922(g)(1) and 924(a)(8))

The Grand Jury further charges:

3. On or about July 27, 2023, in the Northern District of Ohio, Eastern Division, Defendant KENNETH EMMANUEL SMITH, knowing he had previously been convicted of a

crime punishable by imprisonment for a term exceeding one year, that being: Attempted Felonious Assault, on or about April 4, 2019, in case number CR-18-634540, in Cuyahoga County Court of Common Pleas; and knowingly possessed a firearm, to wit: a Taurus, Model G3C, 9mm caliber pistol, bearing serial number: ADE315902, said firearm having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

COUNT 4

(Felon in Possession of Firearm, 18 U.S.C. §§ 922(g)(1) and 924(a)(8))

The Grand Jury further charges:

4. On or about August 2, 2023, in the Northern District of Ohio, Eastern Division, Defendant KENNETH EMMANUEL SMITH, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, that being: Attempted Felonious Assault, on or about April 4, 2019, in case number CR-18-634540, in Cuyahoga County Court of Common Pleas; and knowingly possessed two firearms, to wit: a Smith & Wesson, Model SD9VE, 9mm caliber pistol, bearing serial number: FBH7461, and a Walther, Model PDP, 9mm caliber pistol, bearing serial number: FDN5236, said firearms having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

COUNT 5

(Felon in Possession of Firearm, 18 U.S.C. §§ 922(g)(1) and 924(a)(8))

The Grand Jury further charges:

5. On or about August 3, 2023, in the Northern District of Ohio, Eastern Division, Defendant KENNETH EMMANUEL SMITH, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, that being: Attempted

Felonious Assault, on or about April 4, 2019, in case number CR-18-634540, in Cuyahoga County Court of Common Pleas; and knowingly possessed a firearm, to wit: a Romarm/Cugir, Model Micro Draco, .762 caliber pistol, bearing serial number PMD-38424, said firearm having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

COUNT 6

(Felon in Possession of Firearm, 18 U.S.C. §§ 922(g)(1) and 924(a)(8))

The Grand Jury further charges:

6. On or about August 7, 2023, in the Northern District of Ohio, Eastern Division, Defendant KENNETH EMMANUEL SMITH, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, that being: Attempted Felonious Assault, on or about April 4, 2019, in case number CR-18-634540, in Cuyahoga County Court of Common Pleas; and knowingly possessed five firearms, to wit: a Smith & Wesson, Model: SD9VE, 9mm caliber pistol, bearing serial number FXE1867; a Glock, Model: 29GEN4, 10mm caliber pistol, bearing serial number BNNU057; a Glock, Model: 43, 9mm caliber pistol, bearing serial number ADKR142; a Walther, Model: P22, .22 caliber pistol, bearing serial number WA383204; and an Anderson Manufacturing, Model: AM-15, 300 caliber AR style pistol, bearing serial number 21144880, said firearms having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

COUNT 7

(Illegal Possession of a Machine Gun, 18 U.S.C. §§ 922(o) and 924(a)(2))

The Grand Jury further charges:

7. On or about August 8, 2023, in the Northern District of Ohio, Eastern Division, Defendant KENNETH EMMANUEL SMITH did knowingly and unlawfully possess a firearm as defined in Title 26, United States Code, Section 5845(a)(6), that is, a machinegun within the meaning of Title 26, United States Code, Section 5845(b), and more particularly described as a Polymer80 Inc., P80 Tactical, Model PF940V2, 9mm caliber pistol, without a serial number, modified with a machinegun conversion device, a combination of parts designed and intended, for use in converting a weapon into a machine gun, modified to shoot automatically more than one shot, without manual reloading, by a single function of the trigger, in violation of Title 18, United States Code, Sections 922(o) and 924(a)(2)

COUNT 8

(Felon in Possession of Firearm, 18 U.S.C. §§ 922(g)(1) and 924(a)(8))

The Grand Jury further charges:

8. On or about August 14, 2023, in the Northern District of Ohio, Eastern Division, Defendant KENNETH EMMANUEL SMITH, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, that being: Attempted Felonious Assault, on or about April 4, 2019, in case number CR-18-634540, in Cuyahoga County Court of Common Pleas; and knowingly possessed a firearm, to wit: a Smith and Wesson, Model SWV40VE, .40 caliber pistol, bearing serial number DWM5030, said firearm having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

COUNT 9

(Felon in Possession of Firearm, 18 U.S.C. §§ 922(g)(1) and 924(a)(8))

The Grand Jury further charges:

9. On or about August 15, 2023, in the Northern District of Ohio, Eastern Division, Defendant KENNETH EMMANUEL SMITH, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, that being: Attempted Felonious Assault, on or about April 4, 2019, in case number CR-18-634540, in Cuyahoga County Court of Common Pleas; and knowingly possessed four firearms, to wit: an Aero Precision LLC, Model X15, multi-caliber AR Style pistol, bearing serial number X291490; a Taurus, Model G2c, 9mm caliber pistol, bearing serial number 1C118757; a Taurus, Model G2c, 9mm caliber pistol, bearing serial number ADM021933; and a Springfield Armory (HS Produkt), Model XDM Elite, 9mm caliber pistol, bearing serial number AT238536, said firearms having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

COUNT 10

(Felon in Possession of Firearm, 18 U.S.C. §§ 922(g)(1) and 924(a)(8))

The Grand Jury further charges:

10. On or about August 16, 2023, in the Northern District of Ohio, Eastern Division, Defendant KENNETH EMMANUEL SMITH, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, that being: Attempted Felonious Assault, on or about April 4, 2019, in case number CR-18-634540, in Cuyahoga County Court of Common Pleas; and knowingly possessed three firearms, to wit: a Glock, Model 19Gen5, 9mm caliber pistol, serial number BPXH246; a Sig Sauer, Model P320, 9mm caliber pistol, serial number 58J381387; and a Smith & Wesson, Model M&P 9 Shield, 9mm

caliber pistol, serial number JFS0790, said firearms having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

COUNT 11

(Felon in Possession of Firearm, 18 U.S.C. §§ 922(g)(1) and 924(a)(8))

The Grand Jury further charges:

11. On or about August 17, 2023, in the Northern District of Ohio, Eastern Division, Defendant KENNETH EMMANUEL SMITH, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, that being: Attempted Felonious Assault, on or about April 4, 2019, in case number CR-18-634540, in Cuyahoga County Court of Common Pleas; and knowingly possessed three firearms, to wit: a Glock, Model 43X, 9mm caliber pistol, serial number BSAN126; a Glock, Model 19, 9mm caliber pistol, serial number BTNP631; and a MasterPiece Arms, Model MPA30SST, 9mm -pistol, Serial Number: FX23202, said firearms having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

COUNT 12

(Felon in Possession of Firearm, 18 U.S.C. §§ 922(g)(1) and 924(a)(8))

The Grand Jury further charges:

12. On or about August 18, 2023, in the Northern District of Ohio, Eastern Division, Defendant KENNETH EMMANUEL SMITH, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, that being: Attempted Felonious Assault, on or about April 4, 2019, in case number CR-18-634540, in Cuyahoga County Court of Common Pleas; and knowingly possessed three firearms, to wit: a Del-Ton Inc., Model DTI-15, 5.56mm caliber AR-style pistol, serial number B86153; a Taurus, Model

G3, 9mm caliber pistol, serial number ACK379045; and a Kahr Arms, Model CT9, 9mm caliber pistol, serial number BAA8192, said firearms having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

COUNT 13

(Felon in Possession of Firearm, 18 U.S.C. §§ 922(g)(1) and 924(a)(8))

The Grand Jury further charges:

13. On or about August 21, 2023, in the Northern District of Ohio, Eastern Division, Defendant KENNETH EMMANUEL SMITH, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, that being: Attempted Felonious Assault, on or about April 4, 2019, in case number CR-18-634540, in Cuyahoga County Court of Common Pleas; and knowingly possessed two firearms, to wit: a Taurus, Model G3c, 9mm caliber pistol, serial number 1KA46169; and a Ruger, Model SR40c, .40 caliber pistol, serial number 345-14911, said firearms having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

COUNT 14

(Felon in Possession of Firearm, 18 U.S.C. §§ 922(g)(1) and 924(a)(8))

The Grand Jury further charges:

14. On or about August 22, 2023, in the Northern District of Ohio, Eastern Division, Defendant KENNETH EMMANUEL SMITH, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, that being: Attempted Felonious Assault, on or about April 4, 2019, in case number CR-18-634540, in Cuyahoga County Court of Common Pleas; and knowingly possessed two firearms, to wit: a Springfield Armory (HS Produkt), Model XD-9, 9mm caliber pistol, serial number BY311588; and a Smith

& Wesson, Model M&P9, 9mm caliber pistol, serial number NFJ9221, said firearms having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

FORFEITURE

The Grand Jury further charges:

15. For the purpose of alleging forfeiture pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), the allegations of Counts 1 through 14 are incorporated herein by reference. As a result of the foregoing offenses, Defendant KENNETH EMMANUEL SMITH shall forfeit to the United States all firearms and ammunition involved in or used in the commission of such violations.

A TRUE BILL.

Original document - Signatures on file with the Clerk of Courts, pursuant to the E-Government Act of 2002.